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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12476 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DRAFT DECISIONS SUBMITTED UNDER AGENDA ITEMS 4 AND 5

Draft resolutions submitted under agenda item 4

Draft resolutions E/CN.4/2000/L.3/Rev.1 and E/CN.4/2000/L.12 (Strengthening of the Office of the United Nations High Commissioner for Human Rights)

1. The CHAIRMAN said that the United States had withdrawn its draft amendment (E/CN.4/2000/L.12) to draft resolution E/CN.4/2000/L.3/Rev.1.

2. Mr. RAJA NUSHIRWAN (Malaysia), introducing the draft resolution on behalf of the sponsors, said that it reaffirmed the need to strengthen United Nations human rights machinery on the basis of present and future needs. It also stressed that the Office of the High Commissioner was a common office and that its activities should therefore reflect the diversity of backgrounds. The Commission also welcomed the launch of Annual Appeal 2000, which, inter alia, encouraged dialogue and transparency. His delegation hoped that the draft resolution would be adopted by consensus.

3. Ms. IZE-CHARRIN (Secretary of the Commission) announced that the Netherlands, France, Japan, Sudan, Australia and Cameroon had become sponsors of the draft resolution, which had no financial implications.

4. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission adopted draft resolution E/CN.4/2000/L.3/Rev.1 by consensus.

5. It was so decided.

6. Draft resolution E/CN.4/2000/L.3/Rev.1 was adopted by consensus.

7. Ms. RUBIN (United States of America), referring to paragraph 12 of the draft resolution just adopted, said that any wording which gave priority to one category of rights over another was fundamentally unbalanced. That was the meaning of the amendment which her delegation had intended to submit and which it had withdrawn in order not to destroy the consensus. She nevertheless invited delegations to respect the balance between human rights, in accordance with the Universal Declaration of Human Rights and the Vienna Declaration.

8. Ms. GLOVER (United Kingdom), referring to the content of paragraph 5 of the resolution adopted, said that it was not for the Commission on Human Rights to tell the Office of the High Commissioner what staffing policies to follow. Her delegation had nonetheless joined in the consensus.

Draft resolutions submitted under agenda item 5

Draft resolution E/CN.4/2000/L.2 (Question of Western Sahara)

9. The CHAIRMAN said that the draft resolution was a Chairman's text already agreed on by all members of the Commission. He therefore proposed that, as in previous years, it should be adopted without a vote.

10. It was so decided.

11. Draft resolution E/CN.4/2000/L.2 was adopted without a vote.

12. Ms. RUBIN (United States of America) said that, although her delegation had joined in the consensus on the Chairman's resolution on Western Sahara, it considered the text to be incomplete because it did not refer to the Security Council's latest resolutions on that question. The Chairman's statement must not set any sort of precedent for the Security Council's consideration of the question in New York.

Draft resolution E/CN.4/2000/L.4 (The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination)

13. Mr. FERNANDEZ (Cuba), introducing the draft resolution on behalf of the sponsors, which had been joined by Nigeria and Yemen, recalled that mercenary activities were a threat to the security and stability of States and the exercise of the right to self-determination.

14. In the second preambular paragraph, the following amendments should be made: the words "and international instruments adopted by" should be added after the words "the relevant resolutions", in the fifth line; and the words "inter alia, the Organization of African Unity Convention for the Elimination of Mercenaries in Africa" should be added at the end.

15. Ms. IZE-CHARRIN (Secretary of the Commission) said that Tunisia and Cameroon had joined the list of sponsors and that the draft resolution had no financial implications.

16. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and associated countries, said that the European Union had reservations about the proposed text and regretted not having had an opportunity to discuss them in open consultations. It believed that the Commission on Human Rights was not the appropriate forum to deal with the problem of mercenary activity and that the High Commissioner for Human Rights should not be asked to give priority attention to that question or to divert resources to the organization of workshops on it. However dangerous they might be, mercenary activities were not strictly speaking a human rights problem and were not a threat to the right of peoples to self-determination. There was also no intrinsic link between terrorism and mercenary activities.

17. The European Union was of the opinion that the mandate of the Special Rapporteur on the use of mercenaries should be terminated and that the matter should henceforth be considered directly in the Sixth Committee of the General Assembly. It would continue to participate

actively in the appropriate forums in the discussion of ways to curb the threat posed by mercenary activity. He requested that draft resolution E/CN.4/2000/L.4 should be put to a vote.

18. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.4.

19. Brazil, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Czech Republic, Germany, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, Italy, Portugal, Republic of Korea and Spain.

20. Draft resolution E/CN.4/2000/L.4 was adopted by 35 votes to 11, with 5 abstentions.

Draft resolution E/CN.4/2000/L.5 (Situation in Occupied Palestine)

21. Mr. SIDDIG (Sudan), introducing the draft resolution on behalf of the sponsors, said that the text reaffirmed the right of the Palestinian people to have its own State in accordance with the provisions of the relevant United Nations instruments. His delegation appealed to the Commission to adopt the draft resolution by consensus in order to end the Israeli occupation and restore the inalienable rights of the Palestinian people, a sine qua non condition for the establishment of a lasting peace in the Middle East.

22. Ms. IZE-CHARRIN (Secretary of the Commission) announced that South Africa should be added to the list of sponsors and that the draft resolution had no financial implications.

23. Mr. MENDONÇA EMOURA (Portugal), speaking on behalf of the European Union and associated countries, welcomed the fact that the text of the draft resolution reaffirmed the inalienable right of the Palestinians to self-determination, including the option of a State. That balanced text did not prejudge the final status negotiations and the European Union could therefore support it. The European Union hoped that, during the year, a just, lasting and comprehensive peace could be achieved in the Middle East on the basis of international law and United Nations Security Council resolutions and in the interest of all peoples in the region. The European Union welcomed the Sharm-el-Sheik Memorandum, but noted with concern the delays in its implementation and that of other related agreements. The efforts being made by the parties to reach a negotiated solution would facilitate the exercise by the Palestinians of their right to self-determination, which was not subject to any veto.

24. The European Union was fully committed to the Middle East process and efforts to reach a negotiated settlement.

25. Ms. RUBIN (United States of America) said that the one-sided and unbalanced text of the draft resolution reflected past concerns and did not take account of the progress made in the Middle East. As in earlier years, her delegation did not believe that the Commission on Human Rights should have a role in the Middle East peace process. By continuing to do so, the Commission prejudged issues such as the status of Jerusalem and the question of Palestinian statehood that the parties themselves had agreed must be reserved for the permanent status negotiations. The fact that those negotiations were under way further highlighted the inappropriateness of the Commission's consideration of that issue.

26. The leaders of the region had shown the courage to make difficult decisions to achieve peace. The Commission should reject the outdated language of the proposed resolution and those which had preceded it and encourage the parties to continue their efforts to achieve the peace objective to which all aspired.

27. For those reasons, her delegation would vote against the draft resolution and urged other delegations to do the same.

28. At the request of the representative of the United States, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.5.

29. Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Brazil, Burundi, Chile, China, Colombia, Congo, Cuba, Czech Republic, France, Germany, India, Indonesia, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Canada, Ecuador, El Salvador, Guatemala, Romania.

30. Draft resolution E/CN.4/2000/L.5 was adopted by 44 votes to 1, with 6 abstentions.

31. Ms. GERVAIS-VIDRICAIRE (Canada), speaking in explanation of vote, said that her delegation recognized the right of the Palestinian people to self-determination and did not rule out the possibility that a Palestinian State might be created, but considered that the question must be settled by negotiation between the parties concerned in the context of the Middle East peace process. It had therefore abstained in the vote.

32. Mr. SIM (Norway) said that, although his delegation had voted in favour of the draft resolution, it did have a reservation about the text. The reference to jus cogens in the sixth

preambular paragraph was inappropriate. The concept of jus cogens was not accepted in international law in general or in the particular context of the situation in occupied Palestine.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE (continued)

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued) (E/CN.4/2000/66, 67, 68 and Add.1 to 5, E/CN.4/2000/118-E/CN.6/2000/8, E/CN.4/2000/115, 128, 131, E/CN.4/2000/NGO/42, E/CN.4/2000/56, E/CN.4/2000/NGO/65, 87, and 119, E/CN.6/2000/6, E/CN.4/Sub.2/1999/14)

33. Ms. QI Xiaoxia (China) said that, as a result of the unremitting efforts made by the international community and by women themselves with a view to greater equality of rights between men and women, the status of women had improved considerably. Major progress had been made in education, economic independence and participation in public affairs. There was, however, still a great deal to be done. In particular, the poverty of women and violence against them had been increasing. It was essential for the international community to continue to take all the necessary measures to promote and protect women's rights.

34. First of all, it had to strengthen legislation on women's rights in order to establish a comprehensive legal regime for the protection of those rights. It also had to take effective measures to eliminate the poverty of women. Poverty was the main obstacle to the emancipation of women. In the past two decades, the number of women living in poverty had doubled. Poverty among women was especially serious in some developing countries and directly affected their right to development.

35. The international community must also try to solve the problem of violence against women, which was to be found at various levels: in regional conflicts, ethnic confrontations, local wars and at home. Since education was a key element in the emancipation of women, States must increase the training possibilities available to women. All measures on behalf of women must be taken in the context of international cooperation. In order to solve certain problems, such as the traffic in women and forced prostitution, cross-border cooperation was indispensable. Developing countries needed the economic, scientific and technological support of the international community to make progress in emancipating women. At the same time, the international community should promote the ratification and implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

36. The Chinese Government had always attached great importance to the status of women. In 1992, it had promulgated the Law on Safeguarding Women's Rights and Interests in China and, in 1995, it had adopted the Guidelines on the Development of Women in China. In recent years, the State Council's Committee on the Work of Women and Children had played an active role in the implementation of those two texts, particularly by coordinating the activities of government institutions, local governments and non-governmental organizations.

37. Progress had been made all over the country in promoting and protecting women's rights. There had been a remarkable increase in women's participation in political life, the gap in education between women and men had narrowed and women's health had improved. Women

from poor families had been guaranteed a basic wage. The Chinese Government intended to continue to promote and protect the fundamental rights of women, particularly by implementing the Beijing Declaration and Platform for Action.

38. Mr. BELIZ (Observer for Panama), speaking on behalf of the Central American Group, said that those countries had taken an active part in the major conferences held by the United Nations in the 1990s, at which plans of action had been adopted, inter alia, on the need to integrate a gender perspective in the achievement of the objectives set. The World Conference on Human Rights, held in Vienna, and the fourth World Conference on Women, held in Beijing, had affirmed that the fundamental rights of women and girl children were an inalienable, integral and inseparable part of universal human rights. The efforts made at the international level had helped make States aware of that issue. The Central American countries had taken measures to promote women's rights in employment, education and health and to combat violence against women.

39. At the regional level, since the International Institute for Training and Research on the Advancement of Women (INSTRAW) had its headquarters in Central America, Panama and the other Central American countries supported the General Assembly's initiative of requesting a study on the capacity of the Gender Awareness Information and Networking System (GAINS). The study had shown that INSTRAW was a dynamic and innovative institution which had the capacity to make women's view points better known in international bodies, particularly by means of the new technologies which were changing the world economy.

40. The Central American countries were also contributing actively to the preparatory work for the special session of the General Assembly on the review and overall assessment of the Fourth World Conference on Women. They supported the regional efforts made at the meeting recently held in Lima to define Latin America's position on that issue.

41. As States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Central American States once again reaffirmed that they were committed to promoting equality between men of women in all areas. They had taken measures to eliminate discriminatory legislation and had encouraged the ratification of regional instruments for the protection and promotion of the rights of women, such as the Belém do Pará Convention, which had served as a basis for the amendment of national laws.

42. In political terms, there were more and more women in Latin America who held responsible posts in the Government, political parties, local government, trade unions and organs of civil society. In that connection, Mrs. Mireya Moscoso had recently been elected President of the Republic of Panama and she was the second woman head of state of a Central American country.

43. The Central American countries were sparing no effort to eradicate poverty, which affected much of their population, particularly the female population. They reaffirmed their determination to work actively to eliminate discrimination against women.

44. Mr. HAMDI (Iraq) said that the fundamental rights of women were indissociable from human rights in general and that any action in that regard must be taken at the worldwide level. Iraq had made the emancipation of women one of the basic components of its social and cultural transformation.

45. The Iraqi Government, which had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, had established a national programme of action based on the Nairobi forward-looking strategies and the Beijing Conference undertakings. With a view to the implementation of that programme, it had set up committees on the improvement of the status of women and encouraged the activities of women's NGOs.

46. Iraqi legislation contained no discrimination based on sex. Laws enabling women to enjoy the same economic, social, cultural and political rights as men had been adopted.

47. By causing infrastructures and the national economy to collapse, the continuing embargo against Iraq had unfortunately jeopardized the progress made. Its consequences had been disastrous for society as a whole and, in particular, for women. The food shortage and the lack of medicines and other basic products had had very negative effects on the health of women and their children. He therefore called for the lifting of the embargo so that Iraqi women might stop suffering unfairly and once again be able to play a key role in the family and in society.

48. Ms. PATERSON (New Zealand) said that the special session being organized to review progress in the five years since the Beijing Conference should go beyond a review of positive developments and highlight persistent and emerging problems for the implementation of the Platform for Action and the measures to be taken to solve them.

49. In view of the fundamental nature of the Convention on the Elimination of All Forms of Discrimination against Women, she invited countries which had not yet done so to ratify it as soon as possible. New Zealand fully supported the work of the Committee on the Elimination of Discrimination against Women and had decided to present Dame Silvia Cartwright for re-election to the Committee in 2000.

50. New Zealand welcomed the adoption of the Optional Protocol, which would help strengthen and protect the rights embodied in the Convention. New Zealand intended to ratify the Protocol very soon and she invited the States parties to the Convention to do the same.

51. New Zealand looked forward to the regional workshop on the role of national human rights institutions in the advancement of the fundamental rights of women, to be held with the support of the Fiji Human Rights Commission in Fiji in May 2000.

52. Recalling that the majority of victims of poverty continued to be women, she drew attention to the relevance for women of the Special Dialogue on Poverty and the Enjoyment of Human Rights.

53. New Zealand welcomed the various international, regional and national measures being taken to deal with the problem of the traffic in women and girls, including the organization, by

the Governments of the Philippines and the United States, of the Asian Regional Initiative against Trafficking in Women. It also reaffirmed its support for the Special Rapporteur on violence against women.

54. Ms. LINDSEY (International Committee of the Red Cross) said that ICRC had repeatedly expressed its concern about violence against persons who were protected under international humanitarian law, particularly women in armed conflicts, whether they were captured combatants or civilians.

55. Violence against women took many forms. One of the most painful consequences of armed conflict was that so many women remained without news of their relatives. That inability to know the truth had an enormous impact on survivors. Humanitarian law recognized the right of families to obtain information on the fate of missing persons. ICRC therefore urged States and the parties to armed conflict to inform families of the fate of missing persons.

56. The protection provided to women in armed conflict under humanitarian law was twofold: general protection equal to that enjoyed by men and special protection according to their specific needs. Such protection was provided for in the four Geneva Conventions of 1949 and their two Additional Protocols.

57. The issue of violence against women was of particular relevance to some current initiatives by ICRC. A study that would serve as a basis for the formulation of guidelines for the protection and assistance of women and girl children in armed conflict would be completed in 2000. During the International Red Cross and Red Crescent Conference held a few months previously, the ICRC President had renewed the organization's commitment in that regard. Sexual violence, which was a particularly heinous violation of international humanitarian law, had been a subject of special attention. States had a duty to ensure protection for all persons not taking part in hostilities.

58. ICRC was pleased to note that the Tribunals for the Former Yugoslavia and Rwanda, as well as the Rome Statute of the International Criminal Court, considered sexual violence a war crime. That was a significant development in the battle against impunity.

59. ICRC hoped that those recent initiatives would allow for the more effective protection of women, but the parties had to observe the rules and bring those who broke them to justice.

60. Mr. NGOUBEYOU (Cameroon) recalled that, in 1979, the international community, mindful of the magnitude of the inequality between men and women, had adopted the Convention on the Elimination of All Forms of Discrimination against Women, to which his country had acceded in 1994.

61. The question of the advancement of women and girls was a major challenge. It was therefore important that, at its high-level segment in 1999, the Economic and Social Council had placed the emphasis on the autonomy and promotion of women in the context of the eradication of poverty. His delegation also welcomed the adoption, at the fifty-fourth session of the United Nations General Assembly, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

62. The General Assembly had decided that a special session to assess the progress made in the implementation of the Beijing Platform for Action should be held in June 2000. The Commission on the Status of Women had proposed new measures and initiatives to speed up the implementation of that Platform. In that connection, his delegation stressed the need to ensure that such measures helped to eliminate the adverse effects of globalization and structural adjustment plans on programmes for the emancipation of women.

63. Cameroon had established appropriate national machinery to promote the participation of women in development, especially by stressing the problems of women in rural areas. In 1997, the Government had adopted a political declaration and a multisectoral plan entitled "Women and development", which provided, inter alia, for the improvement of the living conditions and legal status of women, the full participation of women, action to combat violence against women, the reduction of disparities between the sexes and the inclusion of women's problems in development strategies.

64. Cameroon was of the opinion that the adverse effects of globalization could be counteracted by means of daring national policies and strong international cooperation.

65. Ms. CEK (Observer for Croatia) said it was encouraging that the international community had finally realized that violence against women was a violation of fundamental human rights which Governments had a duty to combat. Her country strongly supported the international measures taken to eradicate that problem and, in particular, the efforts being made by the Special Rapporteur on violence against women. That problem had received much public attention in Croatia, where such violence had increased in the past 10 years, partly as a result of the trauma caused by the war. The number of cases of domestic violence which were reported showed that public opinion was increasingly aware of that issue. That was mainly the result of the active work of non-governmental organizations, but also of increased efforts by the Government, which had, for example, set up a commission for gender equality issues that had drawn up the first National Plan of Action for Gender Equality a few years previously. That initiative had borne fruit. For example, the House of Representatives now had 21 per cent women, as against 6 per cent before.

66. There was still work to be done on Croatia's legislation. Although marital rape had been a criminal offence in Croatia since 1997, procedures had to be changed so that women could press charges more effectively. Work was also continuing on educating women themselves. They had to be informed of their fundamental rights and, in particular, of the unacceptable nature of family violence. The Croatian Commission on Equality Issues, which was composed of members of ministries and representatives of NGOs, intended to adopt new provisions to combat violence against women. In that connection, her delegation welcomed recent initiatives on behalf of women under the Stability Pact for South-Eastern Europe.

67. Ms. BU FIGUEROA (Observer for Honduras) said that her country had adopted legislation designed to reduce inequalities between men and women and increase the participation of women in the country's economic life. The proportion of women in the active population had thus risen to 36 per cent in 1999. With the Government's encouragement, the participation of women in political, economic and social life and their representation in professional organizations and associations in general had also increased.

68. The administration of justice had been reorganized in order better to defend and protect women. A special appeal court known as the Women's Prosecution Department had thus been established to receive complaints by women subjected to violence and discrimination and to facilitate their access to the courts.

69. The Government had also established the Women's Bureau, which was responsible for coordinating women's activities and integrating plans of action and guidelines for women in the country's development plan.

70. Having ratified the Inter-American Convention for the Prevention, Punishment and Elimination of Violence against Women, Honduras had enacted domestic legislation designed to protect the rights of women, protect them from violence and guarantee them equality.

71. Ms. BLOEM (World Federation of Methodist and Uniting Church Women), speaking on behalf of her own organization and 16 other NGOs and reiterating the appeal which the High Commissioner for Human Rights had made to States in her opening statement to the Commission, requested States to renew their commitment to implement the Platform for Action adopted in Beijing. In that connection, she welcomed the fact that some high-level personalities who had spoken as guests of the Commission had placed particular emphasis on the question of the fundamental rights of women. That was particularly true of Italy, Zambia, the United Kingdom, Finland, Guatemala, Pakistan and the European Union. She requested the Commission to mainstream gender concerns into the agenda, in accordance with the provisions of the resolution entitled "Integrating the human rights of women throughout the United Nations system".

72. As the Commission prepared for the Special Dialogue on Poverty and the Enjoyment of Human Rights, it must not forget that women accounted for the majority of the 1.5 billion persons mired in extreme poverty. As Ms. Tomasevski, the Special Rapporteur on the right to education, had said, education would enable girls and women to find jobs and become independent. She therefore requested the Commission to adopt a special resolution on the right to education which would take particular account of the situation of women. She also requested that the mandate of the Special Rapporteur on the right to education should be renewed. In some parts of the world, particularly in Africa, customs discriminated against women and condemned them to poverty by depriving them of social status. Her organization thus supported the adoption of a resolution on women and the right to land, property and housing.

73. Women had a role to play, on an equal footing with men, in maintaining peace and security throughout the world. It must not be forgotten that women and children constituted the majority of refugees and displaced persons. The Commission must take specific measures everywhere to bring women to the negotiating table.

74. It was deplorable that violence against women in all its forms, such as honour killings, rape, forced prostitution, dowry deaths, trafficking and sexual exploitation, continued to increase in all parts of the world despite growing awareness on the part of public opinion. In that connection, she expressed her appreciation for the high-quality work being done by Ms. Coomaraswamy, the Special Rapporteur on violence against women.

75. If the situation was to improve, systematic efforts had to be made so that men would become partners in overcoming violence against women. She called on the Commission and, in particular, its male members, to join in that battle.

76. Mrs. TANAKA (International Movement against All Forms of Discrimination and Racism), speaking on behalf of Anti-Slavery International and her own organization, said that trafficking in persons, which constituted slavery, occurred in all parts of the world. Discussions on a new international instrument on trafficking were now taking place in Vienna and were designed to combat the involvement of organized crime in such traffic. However, those discussions did not deal with basic issues such as the protection of the human rights of the victims of trafficking and the need to secure their release from the traffickers' control. That was the role of the Commission on Human Rights, which should take the lead in ensuring that the primary concern of States planning action against trafficking was the protection of the human rights of trafficked persons. She specifically suggested that the Commission should call on its thematic mechanisms to pay systematic and consistent attention to the issue of trafficking. She referred, in particular, to the Special Rapporteurs responsible, respectively, for violence against women, the sale of children and the rights of immigrants. They might be asked to provide information at the 2001 session of the Working Group on Contemporary Forms of Slavery. Long-term action was required in that regard. She therefore suggested that a United Nations year, or even a decade, against trafficking in persons should be adopted.

77. Mrs. BENINGER-BUDEL (World Organization against Torture - OMCT) said that, in the case of women, torture usually took the form of sexual violence and, because of fear and shame, the victims of that type of violence often remained silent, with the result that the torturers went unpunished.

78. She drew the Commission's attention to violence and discrimination against women by members of the armed forces in Mexico, especially in the States of Chiapas, Guerrero and Oaxaca. According to reports, many women had also been murdered in the north of Mexico near the border.

79. In Sri Lanka, Tamil women continued to be raped and murdered by Sri Lankan soldiers. Despite the peace agreement signed in Lomé in July 1999, rebel forces in Sierra Leone also continued to abduct, kill and force women and girls into sexual slavery. Although the peace agreement specified that all non-combatants were to be released, most of them were still missing and they were primarily women.

80. In their reports, the Committee against Torture and the Special Rapporteur on torture must indicate the sex of the victim and the circumstances of the torture, as well as the availability of remedies and reparation. OMCT also stressed the importance of the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Statute of the International Criminal Court. It would like the mandate of the Special Rapporteur on violence against women to be renewed.

81. Mr. ROSSI (International Association for the Protection of Religious Freedom) said that on 8 March 2000, women in 148 countries had loudly expressed their determination to react against oppression and discrimination and to fight for equal rights with men. The obstacles to

the achievement of that objective included, inter alia, traditions related to religion and, in particular, as the Special Rapporteur on religious intolerance had pointed out, religious extremism mainly targeting women. For example, the extremely difficult situation of women in Afghanistan was the result of the implementation of religious rules deriving from an extremist view of Islam. The Taliban applied Islamic law, the Shariah, with all the discrimination it involved, including the prohibition on the exercise of management functions by women, the obligation to wear the Islamic scarf and death by stoning in the event of infidelity. There were, however, prominent Muslim experts, such as Professor Mohammed Talbi of the University of Tunis, who had written Plaidoyer pour un islam moderne and who were fervent advocates of full equality between the sexes in all areas without exception. That was also the position of the representative of Guinea, who had said that, as an expression of the divine message, Islam proclaimed the equal rights of men and women. Tunisia, an Islamic country, could be cited as an example in that regard. The new Tunisian laws prohibited polygamy and provided for equality of rights between men and women in respect of inheritance, divorce, access to education and employment.

82. The Commission should request the leaders of the world's major religions to ensure that the equality of the fundamental rights of men and women was recognized and that their teachings were cleansed of extremism.

83. Ms. RAS-WORK (International Movement for Fraternal Union among Races and Peoples), speaking on behalf of her own organization and the Inter-African Committee (IAC) on Traditional Practices Affecting the Health of Women and Children, deplored the fact that, owing to the lack of concrete action by Governments, backward practices such as female genital mutilation, which was still prevalent in over 35 countries, and early childhood marriage continued to affect millions of girls throughout the world. The Inter-African Committee on Traditional Practices knew from experience how effective dialogue could be. For example, in countries such as the Republic of Guinea and Nigeria, it was the excisors themselves who had become active defenders of the integrity of the girl child. In other countries, such as Egypt, Gambia, Sudan and Ethiopia, religious leaders were advocating the eradication of that practice. Governments had adopted laws which made it illegal. Those laws still had to be enforced, however, and that was what the Inter-African Committee was requesting Governments to do. It was also appealing to other countries which had not yet done so to adopt such laws without delay.

84. At the regional level, the Organization of African Unity was, on the initiative of the Inter-African Committee on Traditional Practices, now examining a draft convention to prohibit, inter alia, female genital mutilation. At the international level, the Sub-Commission on the Promotion and Protection of Human Rights proposed, in its resolution E/CN.4/Sub.2/1994/13, that three seminars should be held in Africa, Asia and Europe, respectively, to assess the underlying factors which perpetuated traditional practices. She hoped that the Commission would adopt the Sub-Commission's recommendations.

85. Mrs. PELZOM (Rural Reconstruction Nepal) drew the Commission's attention to the situation of women in Bhutan, a country which had no Constitution, where the right to freedom of assembly and association was not recognized and where women could not assert their rights because they did not know they had any. A very small number of women had bureaucratic jobs,

but there were no women in top-level posts. The only women's organization was the National Women's Association of Bhutan, which was government-run. NGOs which defended the rights of women, such as the Bhutanese Women's Rights Organization (BWRO), operated from exile.

86. Of 100,000 Bhutanese refugees living in eastern Nepal camps, 50 per cent were women. In violation of the Convention on the Elimination of All Forms of Discrimination against Women, which the Royal Government of Bhutan had signed, those women had been expelled from the country on grounds of ethnicity, language, culture, religion and political convictions. In December 1992, Amnesty International had published a report on human rights violations committed against the Nepali-speaking population of southern Bhutan. It had reported many cases of women violated by members of the Royal Bhutanese Army. In a more recent report dating from January 1998, it had referred to the case of a woman who had been held in detention and denied access to medical care, something which it had characterized as cruel and inhuman or degrading treatment.

87. She requested the Commission to send a mission to Bhutan to assess the situation of Bhutanese women, regardless of their ethnic background.

88. Mr. TEHRANI (Organization for Defending Victims of Violence) said that, since the adoption of the Charter of the United Nations, the United Nations had played a positive role in promoting equality between men and women. It was the United Nations which had encouraged Governments to set themselves the objective of ensuring the full participation of women in development, particularly by guaranteeing their access to education. Despite the adoption of declarations, conventions, strategies and plans of action, however, women in many parts of the world were still discriminated against. The mass media did have an informative role to play, for example, by drawing attention to questions such as domestic violence and discrimination against women, particularly women migrants. That was, however, not enough. Greater emphasis must be placed on education and increased public awareness. Achievements and experience in education should be given more attention, for ignorance was one of the main factors which led to discriminatory behaviour towards women. In that regard, poor countries were in need of greater support. He therefore requested the Commission to take measures to help NGOs which were working to guarantee respect for the rights of women in the least developed countries.

89. Ms. FENG Yuan (Freedom House) said that women, children and elderly persons bore the brunt of the harsh suppression of the Falun Gong movement in China. Their only "crime" was to have exercised their rights to freedom of belief, expression and assembly, which were, however, embodied in China's Constitution and guaranteed by the International Covenant on Civil and Political Rights, which China had signed.

90. On 25 July, a young woman, Li Juhua, was raped by public security guards. The police had pressured a 31-year-old woman, Lu Yunzhen, to have an abortion because they had wanted to keep her in detention for a longer period of time. Since the beginning of the crackdown, at least 11 persons, including 5 women, had died as a result of torture. That was the case of a 60-year-old woman, Mrs. Chen, who had been arrested on 17 February in the city of Weihai. Mrs. Zhu Hang, who had been arrested on 30 August 1999, had been brutally tortured. She had been accused of "leaking State secrets" for having publicized photographs showing her tortured body. Her family did not know where she was.

91. Hundreds of members of the Falun Gong movement were also being held in psychiatric hospitals, where they were drugged and given shock treatment. Despite the horrors inflicted on members of the Falun Gong movement, they did not strike back because their practice was based on the universal principles of truthfulness, compassion and tolerance.

92. Ms. CERVANTES VASQUEZ (African, Asian and Latin American Peoples' Solidarity Organization) said that poverty, hunger and unemployment affected women more than men and that women were the main victims of structural adjustment policies. They were also the victims of gender-based discrimination in the areas of health, education and social welfare. Their situation was particularly dramatic in third world countries, where they suffered the consequences of the armed conflicts that were going on in many of them.

93. Women wanted to be fully involved in the formulation of macroeconomic and social policies to eradicate poverty and they wanted to be present in leadership bodies in order to achieve economic, political, social and cultural equality. They also wanted the concept of violence against women to be situated in its proper context, namely, the economic and social context, not only the sexual context. In that connection, her organization criticized the far too restrictive way in which the Commission on Human Rights dealt with that matter. It also rejected allegations that Cuban women were subjected to violence. Rather, it emphasized the efforts that Cuba was making, despite the embargo imposed by the United States, to promote respect for women's rights and guarantee them justice and equality. The women her organization represented had chosen a model which was not that proposed by Western capitalism.

94. Ms. HERNANDEZ FUENTES (National Union of Cuban Jurists) said that, according to the Cuban Constitution, all persons, regardless of race, skin colour, sex, national origin or religious belief, had equal economic, political, cultural, social and family rights. Equality between men and women was guaranteed in all areas: work, education, employment, social welfare and health. In Cuba, infant and maternal mortality rates were very low. According to the Family Code, the two spouses had the same rights and duties and jointly exercised parental authority. With regard to violations of physical integrity, the Penal Code provided that, if the person who had committed the violence and the victim were related, that was an extenuating circumstance. In Cuba, prostitution, which had disappeared, had reappeared in recent years in new forms, but it was not an offence. Labour legislation in general and the Maternity Act in particular contained many provisions protecting working women.

95. The laws protecting women and the family must, of course, be improved. As President Fidel Castro had said, even though Cuban women had not won justice in its entirety, they must preserve what they had achieved.

96. Mr. MAEDA (Japanese Fellowship of Reconciliation - JFOR) said that his organization had been actively combating violence against women for several years. It therefore supported the recommendations made by Ms. Coomaraswamy and Ms. McDougall in their respective reports (E/CN.4/2000/68; E/CN.4/Sub.2/1998/13 and Add.1). The two Special Rapporteurs were requesting that persons who had been the victims of military sexual slavery should be entitled to compensation from the State concerned and that the persons responsible for that type of violation should be prosecuted.

97. To date, the 200,000 women and girls enslaved by the Japanese Imperial Army during the Second World War had still not officially been compensated, no one had been prosecuted for those crimes and the Government had not officially recognized its legal liability, even though it had apologized for the violations of the rights of the so-called "comfort women".

98. In the update to her final report, Ms. McDougall had stressed that sexual violence continued to be used as a weapon of war in conflicts in Afghanistan, Algeria, Burma, Burundi, Colombia, the Democratic Republic of the Congo, Indonesia, Kosovo, Liberia, Sierra Leone, Sri Lanka and Uganda. It was therefore necessary to support the resolution in which the Sub-Commission called on States to enact legislation to allow for the effective prosecution of all acts of sexual violence committed during armed conflicts and for the compensation of the victims of such violence. JFOR also requested the Commission to consider the possibility of setting up an international truth and reconciliation commission to implement the recommendations made by Ms. Coomaraswamy and Ms. McDougall.

99. Ms. KHAXAS (Coalition of Activist Lesbians - Australia) said that she had been in a lesbian relationship with her German partner, Ms. Liz Frank, for the last nine years. Together, they had been raising her 15-year-old son, who had never known his father, who had died before the son had been born. The Immigration Selection Board in Namibia refused to grant Ms. Frank permanent resident status. In 1999, the High Court of Namibia had, however, held that gay and lesbian couples had exactly the same rights as heterosexual couples and that they could therefore live like a family and raise children. The Namibian Government had appealed that decision in the Supreme Court, which had not yet handed down its own ruling.

100. The President of Namibia had stated that homosexuals "exploited" Namibia's democracy and had to be condemned and rejected by society. A minister had said that homosexuals were ill. Another had stated that homosexuality was an unnatural disorder which was alien to the African culture. Such statements could only encourage violence against homosexuals. In almost 100 countries, there were laws which criminalized sexual relations between people of the same sex.

101. Her organization requested the Commission to break the silence which surrounded violations of the rights of homosexuals. She urged States to abolish all measures which discriminated against homosexuals, whether in criminal law or in the areas of immigration and family relations, as well as any incitement to violence and hatred against those persons.

102. Mr. KIRUPAHARAN (International Peace Bureau) said that, although Sri Lanka was proud to have a woman Prime Minister, the country was the scene of many violations of women's rights. For example, in the southern sector of the Jaffna Peninsula, the Sri Lankan army was holding 5,000 Tamil civilians, 80 per cent of whom were women and children, as human shields. ICRC and UNHCR must take urgent action to secure the safety of those civilians.

103. The Sri Lankan army also continued to use gang rape and the murder of women and girls as weapons of war. In the report she had submitted to the Commission's fifty-fifth session (E/CN.4/1999/68/Add.1), the Special Rapporteur on violence against women had drawn attention to nine cases of gang rape of Tamil women by members of the Sri Lankan armed

forces. Mr. Kumar Ponnambalam, who had produced documented evidence and medical-legal reports at the Commission's last session to denounce rapes by the security forces, had been assassinated.

104. His organization urged the Commission and the Special Rapporteur on violence against women to take active and vigorous measures to halt violence against women in Sri Lanka.

105. Mrs. LEVERGER (France-Libertés) said that her association was deeply concerned about serious violations of the rights to education, health, work and human dignity of Afghan women.

106. France-Libertés also drew the Commission's attention to the stoning of women, a practice which was still in force in some countries. According to Reuters, an Iranian court had sentenced a woman to be stoned for adultery on 18 October 1999. Cases of the stoning of women for adultery had been reported in the United Arab Emirates.

107. In Morocco, repudiation, polygamy, the way assets were shared by the spouses following divorce, the marriageable age of girls, illiteracy and the small number of women in the labour market were some of the violations of the rights of women which continued to slow down the country's development. France-Libertés was therefore concerned about the campaign being waged by a political-religious coalition against the plan of action for the integration of women in development in Morocco.

108. France-Libertés requested the Commission to take specific measures to halt violations of the rights of women in the above-mentioned countries.

The meeting rose at 6 p.m.